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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-872

13 **DENNIS VICTOR HENRY**  
Post Office Box 6  
Manhattan, Kansas 66505

**A C C U S A T I O N**

14 **300 Center Drive**  
Superior, CO 80027-8625

15 **Registered Nurse License No. 591457**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about November 20, 2001, the Board of Registered Nursing issued Registered  
24 Nurse License Number 591457 to Dennis Victor Henry (Respondent). The Registered Nurse  
25 License expired on December 31, 2004, and has not been renewed.

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"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license."

9. Section 490 of the Code provides, in pertinent part, that a Board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

10. California Code of Regulations, title 16, section 1444, states:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

## COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

## DRUGS

12. Zolpidem (brand name Ambien) is a sedative used for the treatment of insomnia. It is a Schedule IV controlled substance pursuant to Health and Safety Code section 11056, subdivision (d)(32) and a dangerous drug pursuant to Business and Professions Code section 4022.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Crime)**

3 13. Respondent has subjected his license to disciplinary action under Code sections 2761,  
4 subdivision (f) and 490, in that he was convicted of a crime that is substantially related to the  
5 qualifications, functions, and duties of a registered nurse.

6 A. On or about December 13, 2012, in the United States District Court, for the  
7 District of Hawaii, Case No. 12-00907, entitled *United States of America v. Dennis Henry*,  
8 Respondent was convicted by the court on his plea of guilty of violating Title 18, United States  
9 Code, section 2242, subdivision (2) (sexual abuse: incapable victim).

10 The circumstances are that on or about March 25, 2012, Respondent encountered G.C., a  
11 clearly intoxicated employee of the United States Coast Guard, outside of Respondent's Military  
12 Bachelor's Quarters. Respondent was employed as a registered nurse at Kwajalein Hospital.  
13 Respondent invited G.C. into his room for a beer, and G.C. accepted the invitation. Respondent  
14 placed Ambien into an open bottle of beer, without G.C.'s knowledge, and handed him the beer.  
15 G.C. consumed the beer and felt a "lump" in the beer when he swallowed. G.C. awoke the next  
16 morning with pain in his rear end. A sexual assault kit and evaluation was conducted and it was  
17 determined that G.C. had Zolpidem in his blood and a blood alcohol content of .30%. G.C. stated  
18 that he is "not attracted to men" and has never had consensual anal sex. Respondent admitted to  
19 possessing Ambien and Valium in his room. Respondent also admitted to oral and anal sex with  
20 an incapable victim (G.C.).

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct - Unlawfully Administered Controlled Substance)**

23 14. Respondent has subjected his license to disciplinary action under Code section 2761,  
24 subdivision (a) on the grounds of unprofessional conduct as defined by section 2762, subdivision  
25 (b), by virtue of the conduct described in paragraph 13, above.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 591457, issued to Dennis Victor Henry;

2. Ordering Dennis Victor Henry to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

April 8, 2013

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN

Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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